MONTANA LEGISLATIVE HISTORY

Chapter 153 1993

Bill H 251 S _____ Original bill & history ____C

H. Committee on Fish + Game			S. Committee on Fish + Game		
Hearing Date(s)	Jan 26	✓C	Hearing Date(s)	Mar 09	✓C
		C			C
		C			C
		C			C
Date Out	Jan 29	✓C		Mar 09	✓C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

1/19	FIRST READING		
1/19	FISCAL NOTE REQUESTED		
1/21	REREFERRED TO STATE ADMINISTRATION		
1/25	FISCAL NOTE RECEIVED		
1/28	FISCAL NOTE PRINTED		
2/05	HEARING		
2/25	MISSED TRANSMITTAL DEADLINE		

HB 250 INTRODUCED BY REAM

AMEND DEPARTMENT OF REVENUE PROPERTY TAX REVIEW AND COUNTY AND STATE TAX APPEAL PROCESS

BY REQUEST OF DEPARTMENT OF REVENUE

1/19	INTRODUCED		
1/20	REFERRED TO TAXATION		
1/20	FIRST READING		
1/20	FISCAL NOTE REQUESTED		
1/25	FISCAL NOTE RECEIVED		
1/25	FISCAL NOTE PRINTED		
1/26	HEARING		
1/28	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/30	2ND READING PASSED	96	2
2/03	3RD READING PASSED	92	5
	TRANSMITTED TO SENATE		
2/04	FIRST READING		
2/04	REFERRED TO TAXATION		
2/16	HEARING		
3/02	COMMITTEE REPORT—BILL CONCURRED		
3/03	2ND READING CONCURRED	48	0
3/04	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
3/21	SIGNED BY SPEAKER		
3/23	SIGNED BY PRESIDENT		
3/25	TRANSMITTED TO GOVERNOR		
3/30	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 227		
	EFFECTIVE DATE: 03/30/93		

HB 251 INTRODUCED BY PAVLOVICH, ET AL.

ALLOW POSSESSION OR SALE OF ANTLERS AND SKULL OF ANIMAL THAT DIED OF NATURAL CAUSES

1/19	INTRODUCED		
1/20	REFERRED TO FISH & GAME		
1/20	FIRST READING		
1/26	HEARING		
1/28	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/30	2ND READING PASSED	98	1
2/03	3RD READING PASSED	97	0
	TRANSMITTED TO SENATE		
2/04	FIRST READING		
2/04	REFERRED TO FISH & GAME		
3/09	HEARING		
3/11	COMMITTEE REPORT—BILL CONCURRED		
3/12	2ND READING CONCURRED	43	3
3/13	3RD READING CONCURRED	46	1
	RETURNED TO HOUSE		
3/16	SIGNED BY SPEAKER		
3/18	SIGNED BY PRESIDENT		

3/20	TRANSMITTED TO GOVERNOR		
3/24	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 153		
	EFFECTIVE DATE: 10/01/93		

HB 252 INTRODUCED BY BACHINI, ET AL.

EXEMPT HOMEOWNER FROM BUILDING CODE FEE IF DOING OWN REPAIR WORK

1/19	INTRODUCED		
1/20	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
1/20	FIRST READING		
1/20	FISCAL NOTE REQUESTED		
1/25	FISCAL NOTE RECEIVED		
1/25	FISCAL NOTE PRINTED		
1/27	HEARING		
1/27	TABLED IN COMMITTEE		

HB 253 INTRODUCED BY D. BROWN

LOWER DRIVER'S LICENSE REINSTATEMENT FEE TO $50

1/19	INTRODUCED		
1/20	REFERRED TO JUDICIARY		
1/20	FIRST READING		
1/20	FISCAL NOTE REQUESTED		
1/25	FISCAL NOTE RECEIVED		
1/25	FISCAL NOTE PRINTED		
2/02	TABLED IN COMMITTEE		

HB 254 INTRODUCED BY MCCAFFREE

INCREASE MOTOR VEHICLE LIEN FILING FEE FROM $4 TO $8

1/19	INTRODUCED		
1/20	REFERRED TO TAXATION		
1/20	FIRST READING		
1/20	FISCAL NOTE REQUESTED		
1/25	FISCAL NOTE RECEIVED		
1/25	FISCAL NOTE PRINTED		
1/26	HEARING		
1/28	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/01	2ND READING PASSED	55	45
2/03	3RD READING FAILED	47	50
2/04	RECONSIDERED PREVIOUS ACTION	56	38
2/05	3RD READING PASSED	58	40
	TRANSMITTED TO SENATE		
2/08	FIRST READING		
2/08	REFERRED TO LOCAL GOVERNMENT		
3/04	HEARING		
3/10	COMMITTEE REPORT—BILL NOT PASSED		
3/10	ADVERSE COMMITTEE REPORT ADOPTED	44	2

HB 255 INTRODUCED BY ANDERSON

REVISE RELEASE OR DISCHARGE OF DEFENDANT WHO PLED MENTAL DISEASE OR DEFECT

BY REQUEST OF DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES

1/19	INTRODUCED		
1/20	REFERRED TO JUDICIARY		
1/20	FIRST READING		
1/20	FISCAL NOTE REQUESTED		
1/25	FISCAL NOTE RECEIVED		

HEARING ON HB 251

Opening Statement by Sponsor:
REP. ROBERT PAVLOVICH, House District 70, Butte, stated he was unaware legislation was passed in 1991 that made it illegal to keep shed antlers. He stated the main substance of the bill is found on page 3, line 6, which states, "the possession, transportation, sale, or purchase of naturally shed antlers or antlers with a skull or portion of a skull attached from a game animal that has not been unlawfully killed." **REP. PAVLOVICH** supports two amendments proposed by the Fish, Wildlife, and Parks Department.

Proponents Testimony:
Mr. Pat Graham, Director of Fish, Wildlife, and Parks, stated Subsection (c) in HB 251 was added as part of a comprehensive agreement with wildlife statutes from last session. He distributed written testimony **(EXHIBIT 1)**.

Mr. Wayne Lumberg, Montana Taxidermy Association, stated all of his clients support HB 251, even those who are not hunters. It will not result in large monetary gains for taxidermists. Antlers and skulls are used in jewelry and for decoration. Artwork done by Indians has been displayed on the skulls. In discussion with other states' Fish and Game Departments, **Mr. Lumberg** found that other states allow people to collect winter killed or predator killed animals' antlers and skulls. In Colorado, people are allowed to collect road killed animals' antlers and skulls. Other states' laws are vague. **Mr. Lumberg** felt a law that made it illegal to collect and possess antlers and skulls will not aid in stopping poaching. He urged passing HB 251.

Mr. Richard Gensch, Vice-President of the Montana Taxidermy Association, said that HB 251 will aid the Department in stopping poaching. Game wardens are thinly dispersed throughout the state and the Department occasionally relies on private citizens to turn in poachers. He stated a person may poach a deer and later come to collect the antlers. Under current law, if the person is caught, he could be convicted of a lesser crime of possessing antlers. **Mr. Gensch** stated poachers must be caught in the act of poaching. Proving innocence of poaching should not rest on a citizen of Montana that has found a winter kill with skull and antlers attached.

Mr. Steve Rhodes, President of the Montana Taxidermy Association, displayed examples of winter killed animal's skull and antlers. He distributed written testimony **(EXHIBIT 2)**.

Mr. Tony Schoonen, Butte Skyline Sportsmen Club, declared the organization's support of HB 251.

Mr. Jim Richard, Montana Wildlife Federation, declared the Federation's support of HB 251 and the Department's amendments.

Mr. Dale Burk, The Hunter's Alliance, stated he found the majority of people did not agree with the old law. The Alliance joins the Department in habitat enhancement and in the establishment, protection, and enforcement of wildlife laws. **Mr. Burk** felt the passage of the old bill was by oversight rather than careful study. He supports the revision of the law and the Department's proposed amendments.

Mr. L. F. Thomas, Anaconda Sportsmen Club, declared the Club's support of HB 251.

Mr. Tom Hardesty, Atchesoc Taxidermy, declared his support of HB 251 because of his concern that even a child could be criminally convicted for something as simple as finding and keeping skulls and antlers.

Mr. Mike Kelly, Sportsman presented a list of over 900 signatures from around the state in support of HB 251 **(EXHIBIT 3)**.

Mr. Chris Basham, Montana Taxidermy Association, declared support of HB 251. He inquired why the Department does not want accidentally killed animals listed in the bill.

Opponents Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:
CHAIRMAN MIKE FOSTER said that **Mr. Doug Sternberg** has explained the language "that has not been unlawfully killed" is a legal definition. **CHAIRMAN FOSTER** asked **Mr. Graham** if he was correct in his understanding that if an animal is run over, the rack cannot be removed. **Mr. Graham** said yes. **CHAIRMAN FOSTER** stated recently a herd of antelope was hit by a train. He asked **Mr. Graham** if he was correct that the same rules would apply to this situation. **Mr. Graham** said yes. **CHAIRMAN FOSTER** asked for the rationale of this. **Mr. Graham** referred the question to **Mr. Irv Kent, Law Enforcement Division. Mr. Kent** replied natural cause would include predatory kill or natural winter kill and the assumption can be made that a human did not kill the animal. One concern of people picking animals up off the highway is that the people are not properly equipped with safety devices. Animals collected by the department are donated to schools, museums, or institutions of learning. They are used for research and educational purposes.

Closing by Sponsor:
REP. PAVLOVICH thanked the people who testified in support of HB 251 and closed.

EXECUTIVE ACTION ON HB 251

Motion: **REP. MARION HANSON MOVED HB 251 DO PASS.**

Motion: **REP. ROBERT CLARK MOVED THE FIRST PROPOSED AMENDMENT DO PASS.**

Discussion: **REP. JIM ELLIOTT** stated if the animal has not died accidentally, then the animal must have died of natural causes. It was **REP. ELLIOTT's** opinion that the second amendment did not make the bill more effective.

Motion: **REP. CLARK WITHDREW MOTION OF PASSING PROPOSED FIRST AMENDMENT.**

Motion: **REP. EMILY SWANSON MOVED BOTH AMENDMENTS DO PASS.**

Discussion:
REP. CLARK asked **Mr. Kent** what reference 87-3-110 on page 3, line 5 allows. **Mr. Sternberg** said it was an exception for registration of certain grizzly bears.

REP. SWANSON asked **Mr. Kent** if the reason collecting antlers from accidentally killed game is not allowed is because it is a question of legal possession. **Mr. Kent** said yes. The animal has not been killed unlawfully; however, the person does not have a legal right to possess it. **REP. SWANSON** commented if the amendments are not accepted and people are allowed to pick up accidentally killed animal's skulls and antlers, there could be a risk of litigation.

Vote: **AMENDMENTS TO HB 251 DO PASS.** Motion carried 15 to 2 with Reps. Clark and Wagner voting no.

Vote: **HB 251 DO PASS AS AMENDED.** Motion carried unanimously.

EXECUTIVE ACTION ON HB 123

Motion: **REP. CLARK MOVED HB 123 DO PASS.**

Discussion:
CHAIRMAN FOSTER stated there were amendments provided by the **REP. JOHNSON**, the sponsor of HB 123, and by **Ms. Janet Ellis, Montana Audubon.**

Mr. Sternberg explained the first three amendments proposed by **REP. JOHNSON** expand the section of Yellowstone River which can be used for paddlefish roe donations. Amendments four through six specify the Intake fishing access site to be the only place paddlefish can be cleaned and roe donated to the program. Amendments seven through eleven revise the percentage split from 50/50 to 60/40 with the Department receiving 40% of the proceeds. Amendment twelve clarifies that the nonprofit organization's administrative costs will be paid from its share of the proceeds. Amendment thirteen strikes Subsection (e) entirely. The termination date was eliminated from Section 2.

HOUSE OF REPRESENTATIVES

FISH & GAME COMMITTEE

ROLL CALL DATE 1/26/93

NAME	PRESENT	ABSENT	EXCUSED
VICE-CHAIRMAN CHASE HIBBARD	X		
VICE-CHAIRMAN BOB REAM	X		
REP. BARNHART	X		
REP. CLARK	X		
REP. DAILY	X		
REP. ELLIOT	X		
REP. GRIMES	X		
REP. HANSON	X		
REP. KNOX	X		
REP. MCCARTHY	X		
REP. MOLNAR	X		
REP. ORR	X		
REP. RYAN	X		
REP. SWANSON	X		
REP. WAGNER	X		
CHAIRMAN MIKE FOSTER	X		

EXHIBIT 1
DATE 1/26/93
HB 251

HB 251
January 26, 1993

Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks before the House Fish & Game Committee

HB 251 would amend Section 87-3-111 to allow the possession, transportation, sale, or purchase of antlers and attached skulls from game animals that have not been unlawfully killed.

The Department of Fish, Wildlife and Parks has the responsibility to protect and manage the wildlife resource of Montana. In part, that responsibility is to enforce game laws to protect our wildlife resource. During the course of covert investigations conducted in 1991, the department confirmed that individuals were illegally killing trophy game animals, leaving them in the field, and picking up the heads later, claiming they were winterkills.

The department requested legislation during the 1991 session to address this illegal practice. This resulted in an amendment to 87-3-111 limiting lawful possession of pick up antlers to only naturally shed antlers. The purpose of this legislation was directed to illegal violators, and was not intended to restrict the opportunities of honest, well-intentioned persons from picking up naturally shed antlers. The department needs the support of all sportsmen, landowners, and other outdoor enthusiasts toward legislation that helps to reduce the illegal killing of big game animals.

The department is proposing language that offers a compromise to allow lawful possession of attached skulls and antlers from animals that have died from natural causes, yet still prohibits possession where the game animal was illegally killed, or where the game animal was killed by a motor vehicle.

We propose amending sub section (2)(c) to read "or the antlers with a skull or portion of a skull attached from a game animal that has died from natural causes, that has not been unlawfully or accidently killed."

With this amendment, the department supports HB 251.

Exhibit 1
1-26-93
HB 251

PROPOSED AMENDMENT TO HB 251
FIRST (WHITE) COPY

1. Page 3, line 8.
   Following: "animal"
   Insert: "that has died from natural causes and"

2. Page 3, line 9.
   Following: "unlawfully"
   Insert: "or accidently"

EXHIBIT 2
DATE 1/26/93
HB 251

THE HONORABLE CHAIRMAN and MEMBERS OF THIS COMMITTEE

When the snow melts this spring, Montanans will return to the outdoors to hike, fish, and hunt. In their wanderings they will find some antlered souvenirs of their hikes. It is a natural human habit to pick up and save both shed antlers and the racks of winter-killed deer and elk. We have been saving them for decades. Some are stored in the barn, some are used for decorations, others are sold for pocket money, and the best are restored into beautiful mounts and works of art. The people should be able to continue to pick up, possess, and use these "finders-keepers". House Bill 251 would restore common sense to this present unacceptable ban. There is nothing wrong with picking up, saving, and using these natural finds. Let's not let them rot.

The present ban on this resource was done without any public meetings or notice to the people affected. The economic impact is direct, real, and especially hits taxidermists and artists throughout Montana who restore these natural finds into value-added works of art. The dollar amount of these restorations varies from $50 to $700 per mount. The money goes directly at paying bills and purchases in small towns all over the State. The actual dollar amounts vary from business to business , but over time it amounts to a large sum. Saving, restoring and mounting these naturally found deer and elk antlers is the best possible use of that resource. Lets not let them rot.

House Bill 251 is a good common sense correction by the people of an unacceptable and bad law. A majority of Montanans support this correction. Our customers and communities fill up petition sheets in support at a rapid pace. Every person you talk to would like to be able to pick up and keep these natural finds. HB251 is the right thing to do.

The Montana Taxidermists Association respectfully asks this committee to help pass HB251 and restore the ring of common sense, support our Montana Taxidermists businesses, and fulfill the wishes of the people.

Every person should think of what you would do if you found a winter-killed deer or elk rack this spring. Lets not let it rot.

Thankyou,

Steve Rhodes

Steve Rhodes, Pres.
Montana Taxidermists Assoc.

EXHIBIT 3
DATE 1/26/93
HB 251

HOUSE OF REPRESENTATIVES

WITNESS STATEMENT

PLEASE PRINT

NAME Michael D. Kelly BILL NO. 251

ADDRESS 1180 Driveway Lane DATE 1/26/93

WHOM DO YOU REPRESENT? Sportpeople

SUPPORT ✓ OPPOSE _____ AMEND _____

COMMENTS: Introduce Petition Signed Around State.

HR:1991
CS15

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Fish & Game COMMITTEE BILL NO. HB 251

DATE 1-26-93 SPONSOR(S) Rep. Pavlovich

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
STEVE RHODES SILVERSTAR, MT	MONTANA TAXIDERMISTS ASSOC.	✓	
Thomas J. Hardesty Sr.	MONTANA TAXIDERMIST ASSOC. JACK ATCHESON & SON'S, INC. ATCHESON TAXIDERMY INC.	✓	
Richard Genisch	MONTANA TAXIDERMIST ASSOC.	✓	
Dale Burk	The Hunter's Alliance	✓	
Bob Henrekin	MTA	✓	
Raeann Henrekin	MTA	✓	
Chris Basham	MTA	✓	
Wayne Lundberg	MTA	✓	
George Kamps	Sportsman (Antler Artist)	✓	
Howard Olson	MTA	✓	
Brian Lewis	MTA	✓	
Larry L. Baker	MTA	✓	
Michael D Kelly	Sportsman	✓	
Bill Holdorf	Montana Sportsmen	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Fish & Game COMMITTEE BILL NO. HB 251

DATE 1/26/93 SPONSOR(S) Rep. Pavlovich

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jerry Throckmorton	Bar Six Outfitters	✓	
Karen Dumlinson	"	✓	
Robert Hartwell	myself	✓	
BERNARD J. Aguirre	Myself	✓	
Steve Roberts	Roberts Refergeration	✓	
Mat Rutherford		✓	
Jim Richard	MWF	✓	
Robert Aplin	Self	✓	
Linda Ogburn	self	✓	
L.F. Thoma	Anaconda Sportsman	✓	
Pat Graham	DFWP	✓	
Ed Kent			
Steve Hall	Log Ad		
Ted Robinson	MTA	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Fish & Game COMMITTEE BILL NO. HB 251

DATE 1/26/93 SPONSOR(S)

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
MARK PRESCOTT	HELENA HUNTING BUZZ	✓	
FLOYD TEMPLETON	SELF	✓	
MARK SMART	MTA	✓	
JOE UZETA	MTA	✓	
[illegible]	MOGA	✓	
[illegible]	MOGA	✓	
ROY FREAUK	MACTA	✓	
Ray Shores	Mstfc	✓	
JACK RICH	Montana Outfitters & Guides Assoc	✓	
Ralph SWANG	HELENA	✓	
Tony Schiemer	Skyline Sportsmen Butte	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE STANDING COMMITTEE REPORT

January 27, 1993

Mr. Speaker: We, the committee on Fish and Game report that House Bill 251 (first reading copy -- white) do pass as amended .

Signed: Mike Foster
Mike Foster, Chair

And, that such amendments read:

1. Title, line 6.
Following: "ANIMAL"
Insert: "THAT HAS DIED FROM NATURAL CAUSES AND"

2. Title, line 7.
Following: "UNLAWFULLY"
Insert: "OR ACCIDENTALLY"

3. Page 3, line 8.
Following: "animal"
Insert: "that has died from natural causes and"

4. Page 3, line 9.
Following: "unlawfully"
Insert: "or accidentally"

Committee Vote:

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By Senator Bob Pipinich, Chair, on March 9, 1993, at 3:00 p.m.

ROLL CALL

Members Present:
Sen. Bob Pipinich, Chair (D)
Sen. Gary Forrester, Vice Chair (D)
Sen. Don Bianchi (D)
Sen. John Brenden (R)
Sen. Chris Christiaens (D)
Sen. Bruce Crippen (R)
Sen. Judy Jacobson (D)
Sen. Kenneth Mesaros (R)

Members Excused: Sen. Terry Klampe (D)
Sen. Tom Beck (R)
Sen. Gerry Devlin (R)

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Council
Kathy Collins, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: HB 251, HB 82
Executive Action: HB 251, HB 82

HEARING ON HB 251

Opening Statement by Sponsor:

Representative Bob Pavlovich, House District 70, stated HB 251 would allow the possession, transportation and sale of antlers and attached skull of a game animal that has died from natural causes.

Proponents' Testimony:

Pat Graham, Director, Department of Fish, Wildlife & Parks (DFWP), spoke from prepared testimony in support of HB 251 (Exhibit #1).

Wayne Lundberg, representing the Montana Taxidermist Association (MTA), stated he supported HB 251.

Steve Rhodes, President, MTA, stated there is tremendous support from the public for HB 251 and submitted a petition supporting HB 251 (Exhibit #2).

Tom Hardesty, representing Anaconda Sportsmens' Club and Skyline Sportsmens' Association, stated he supports HB 251.

J.V. Bennett, Montana Wildlife Federation, stated the Federation supports HB 251.

Brad Lencioni, owner, Tri-City Taxidermy, stated he supports HB 251.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Crippen asked Pat Graham if antlers could be taken from animals who had been accidentally killed. Mr. Graham stated they could not. Senator Crippen asked if a person could remove the antlers from an animal who had obviously been hit by a vehicle. Mr. Graham stated under HB 251, the antlers could not be legally removed from an animal who had died as a result of an accident. Senator Crippen asked Mr. Graham if the burden of proof would be on the person in possession of the antlers. Mr. Graham stated the Department would have to prove if the antlers had been legally taken. Senator Crippen stated this part of HB 251 did not make sense; a person should be able to take the antlers from an animal found dead on the side of the road. Mr. Graham stated no other part of an accidentally killed animal can be legally taken; this regulation is not limited to the antlers. Senator Crippen asked Bob Lane, DFWP, if a person could remove the antlers from an accidentally killed animal if the person reported the animal to the Department first. Mr. Lane stated in the case of road-kill animals, the antlers are auctioned off by the Department. Mr. Lane stated there is an enforcement problem with some people who are in possession of an animal's head and antlers and claim they found the animal already dead.

Senator Mesaros asked Pat Graham how the Department would enforce HB 251 when the cause of death is difficult to determine. Mr. Graham stated in the case of an animal that has been dead for some time and has experienced some decay, it would be difficult to determine the cause of death. Mr. Graham stated HB 251 was a liberalization, not a restriction, of the law as it has been.

Senator Pipinich asked Mr. Graham if sheep heads would fall under HB 251. Mr. Graham stated sheep heads are not included in HB 251.

Closing by Sponsor:

Representative Pavlovich respectfully closed and asked Senator Pipinich to carry HB 251.

HEARING ON HB 82

Opening Statement by Sponsor:

Representative Bill Wiseman, House District 41, stated HB 82 would permit the Board of Outfitters to hire their own executive to oversee and coordinate the administrative process of the Board.

Proponents' Testimony:

Max Chase, Chairman, Board of Outfitters, spoke from prepared testimony in support of HB 82 (Exhibit #3).

Steve Meloy, Bureau Chief, Professional and Occupational Licensing Bureau, spoke from prepared testimony in support of HB 82 (Exhibit #4).

Jean Johnson, Executive Director, Montana Outfitters and Guides Association (MOGA), stated the licensed outfitter who violates fish and game laws hurts the outfitting business as a whole. Ms. Johnson stated there is not enough enforcement available to get that outfitter out of the business. Ms. Johnson urged the Committee to support HB 82.

Robin Cunningham, representing the Fishing Outfitters Association of Montana (FOAM), stated the Board of Outfitters need more horsepower to get their job done and HB 82 would provide the needed horsepower.

Pat Graham, DFWP, stated the Department supports HB 82 and submitted written testimony (Exhibit #5).

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Brenden asked Pat Graham if the cost of insurance and benefits that would go along with the position to be filled will be covered by fees. Mr. Graham stated this is in the Department of Commerce's budget. Steve Meloy stated any unanticipated cost with HB 82 would be absorbed by the special revenue of the Board of Outfitters. Mr. Meloy stated currently the Board has a cash balance of $238,000 and the Board has the money to support HB 82. Mr. Meloy stated in the event the Board has to replenish their authority, and they do not have enough fees, they would have to raise the fees. Mr. Meloy stated it is predicted the Board will have to do this in the middle of the fiscal year 1995.

Senator Bianchi asked Mr. Meloy if the fees were in statute or if it was something the Board itself could increase. Mr. Meloy stated the statute allows the Board to collect the fee, but the fees are set by rule. Senator Jacobson stated it states in statute that the fee should be commiserate with the costs, and if the fund balances start building up, the Board would be cited by the Legislative Auditor.

Closing by Sponsor:

Representative Wiseman stated the Board of Outfitters needs someone in executive position to run their office to keep control of the organization and urged the Committee to support HB 82. Representative Wiseman stated Senator Mesaros has agreed to carry HB 82.

EXECUTIVE ACTION ON HB 82

Motion/Vote:

Senator Crippen moved HB 82 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 251

Motion/Vote:

Senator Jacobson moved HB 251 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.

ROLL CALL

SENATE COMMITTEE Fish & Game DATE 3-9-93

NAME	PRESENT	ABSENT	EXCUSED
Senator Jacobson	✓		
Senator Bianchi	✓		
Senator Christiaens	✓		
Senator Cripper	✓		
Senator Beck			✓
Senator Mesaros	✓		
Senator Devlin			✓
Senator Brenden	✓		
Senator Klampe			✓
Senator Forrester	✓		
Senator Pipinich	✓		

FC8

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

March 9, 1993

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration House Bill NO. 251 (first reading copy -- blue), respectfully report that House Bill NO. 251 be concurred in.

Signed: Senator Bob Pipinich
Senator Bob Pipinich, Chair

m- Amd. Coord.
DN Sec. of Senate

Pipinich
Senator Carrying Bill

531600SC.Sma

SENATE FISH AND GAME
EXHIBIT NO. 1
DATE 3-9-93
BILL NO. HB 251

HB 251
March 9, 1993

Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks before the Senate Fish & Game Committee

HB 251 would amend Section 87-3-111 to allow the possession, transportation, sale, or purchase of antlers and attached skulls from game animals that have died from natural causes and have not been unlawfully or accidently killed.

The Department of Fish, Wildlife and Parks has the responsibility to protect and manage the wildlife resource of Montana. In part, that responsibility is to enforce game laws to protect our wildlife resource. During the course of covert investigations conducted in 1991, the department confirmed that individuals were illegally killing trophy game animals, leaving them in the field and picking up the heads later, claiming they were winterkills.

This practice, or the practice of picking up any antlers, was illegal for many years, but the statute had not been enforced very often. The department requested legislation to allow picking up naturally shed antlers with the intent of becoming more active in discouraging picking up antlers still attached to game animal skulls. This resulted in an amendment to 87-3-111.

Although this legislation was directed at illegal antler collectors, it created concern among honest, well-intentioned persons picking up antlers from winter-killed animals.

We support the bill as amended because it strikes a balance. It allows lawful possession of antlers with attached skulls from animals that have died from natural causes, yet prohibits possession where the game animal was illegally killed or where the game animal was killed by a motor vehicle.

DATE 3-9-93

SENATE COMMITTEE ON Fish & Game

BILLS BEING HEARD TODAY: HB 82, HB 251

Name	Representing	Bill No. 251	Check One: Support	Oppose
WAYNE LUNDBERG	Montana Taxidermist Ass	HB 251	✓	
STEVE RHODES	M.T.A. PRES.	HB 251	✓	
Brad Lencioni	Tri-City Taxidermy & Russell Country Sportsmen	HB 251	✓	
Tom Madison	Russell Country Sportsmen	HB 251	✓	
ALAN LINCE	MT. HUNTER	HB 251	✓	
Lowry "Mac" Crane	Board of outfitter	HB 82	✓	
BOB FRY	MT BOARD OF OUTFITTERS	HB82	✓	
ROBIN CUNNINGHAM	F.O.A.M.	HB82	✓	
George Kamps	Antler artist	HB251	✓	
Tom Hardesty	Taxidermist Montana Sportsman Skyline	251	✓	
STEVE MELOY HB82	Commerce		✓	
MARK SMART	MT. Taxidermist ASSC		✓	
Eric Thunstrom	Mt Taxidermy		✓	
JOE UZETA	Mt Taxidermy		✓	
J.V. Bennett	Montana Wildlife Federation	HB 251	✓	
Rob Lane	DFWP		✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10

DATE 3-9-93

SENATE COMMITTEE ON Δ+HB82, HB251

BILLS BEING HEARD TODAY: Fish & Game

Name	Representing	Bill No.	Check One Support	Oppose
Pat Graham	DFWP	HB251	✓	
William R. Wiseman	HD 41	HB82	✓	
Russell Greenwood	ABOR/Gun Guild/Outfitters	HB82	✓	
Dan D. Johnson	MT Rest. & Guides	HB82	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

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